

RESOLUTION NO. 2181

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND DECLARING AN ENVIRONMENTAL POLICY AND APPROVING INTERIM REGULATIONS AND GUIDELINES TO BE FOLLOWED BY ALL CITY OFFICIALS AND DEPARTMENTS.

BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section I. Purposes and Policies. The purposes of this Resolution are to acknowledge all actions of the City of Kirkland are subject to the State Environmental Policy Act and to:

1. Declare a city policy that will encourage productive and enjoyable harmony between man and his environment.
2. Promote efforts which will prevent or eliminate damage to the environment and biosphere.
3. Stimulate the health and welfare of man.
4. Enrich the understanding of the ecological systems and natural resources important to the city, state and nation and the inhabitants thereof, and
5. Increase the ability of the City to make decisions consistent with the purposes and policies contained herein in order that the future environment may be shaped by deliberation rather than by default.

Section II. Recognition of Environmental Relationships.

1. The City, recognizing that man depends on his biological and physical surroundings for food, shelter and other needs and for cultural enrichment as well, and recognizing further the profound impact of man's activity on the inter-relations of all components of the natural environment, particularly the profound influence of population growth, high density urbanization, industrial expansion, resource utilization and exploitation and new and expanding technological advances, and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the City of Kirkland in cooperation with other governmental entities and other concerned public and private organizations to use all practicable means and measures in a manner calculated to:

- (a) Foster and promote the general welfare;
- (b) Create and maintain conditions under which man and nature can exist in productive harmony;
- (c) Fulfill the social, economic and other requirements of present and future generations of Washington citizens.

2. In order to carry out the policies set forth in this Resolution, it is the continuing responsibility of the City of Kirkland to use all practical means consistent with other essential consideration of state and local policy, to improve and coordinate plans, functions, programs, and resources to the end that the City and its citizens may:

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

3. The City 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.

Section III. Definitions: The following definitions are included as an essential means to clarify terminology used in this Resolution:

- 1. Responsible Official: The director or head of a city department within which an action originates or is submitted for a necessary approval.
- 2. Action: Any proposal, either originating in the private sector and requiring a decision on the part of a public official, or any proposal originating within the public sector including recommendations or reports for legislation and other actions significantly affecting the quality of the environment.
- 3. Environment: Environment is meant to include everything within the specific area. It is not intended to mean those things which are physical in nature only. Environment expressly includes economic, social, political, cultural and other conditions and relationships that exist within or have potential effect upon a given area under analysis.

Section IV. Authorization and direction pursuant to environmental policy. In order to effectuate the environmental policy herein adopted, the City Council authorizes and directs:

1. That to the fullest extent possible, the policies, regulations and laws of the City of Kirkland be interpreted and administered in accordance with the policies set forth in this Resolution.

2. That environmental impact statements, as described in the following subsection, shall be considered by the City prior to its approval or disapproval of any action significantly affecting the quality of the environment. The purpose of an environmental assessment and the preparation of an environmental impact statement is to provide the City with sufficient information about the effects of a proposed action, ways in which any adverse effects of such an action may be mitigated, and to suggest feasible alternatives to such an action.

3. That the City Manager in consultation with the Department of Community Development and with the assistance of all city departments, other governmental agencies and individuals, develop guidelines and procedures consistent with these purposes and policies which include:

(a) A systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and environmental design arts in planning and in decision-making which may have an impact on man's environment.

(b) Identify and develop methods and procedures in consultation with other affected parties which will insure that presently unquantified environmental amenities and values will be given appropriate consideration in decision-making, along with economic and technical considerations.

(c) Include in every recommendation or report on a proposal for legislation and other actions significantly affecting the quality of the environment, a detailed statement by the responsible official on:

(1) Environmental impact of the proposed action.

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented.

(3) The alternatives to the proposed action.

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The detailed statement, together with comments thereon, shall accompany the proposal through the existing agency review process.

4. The utilization of the Department of Ecology's guidelines for implementation of the State Environmental Policy Act of 1971 and especially include:

(a) Procedures necessary to satisfy state requirements.

(b) Adequate public notification.

(c) Adequate notification to other affected agencies.

(d) Use of the outline for drafting environmental impact statements, where feasible.

5. Further development of criteria for determining exempted actions, especially in conjunction with all affected city departments.

6. Further development of criteria for assessing whether any proposed actions would significantly affect the quality of the environment.

7. Development of operational procedures to insure that the policies stated herein can be successfully implemented to include:

(a) The definition of the responsible official.

(b) The relationships among city departments and external governmental agencies.

(c) A clearly defined procedural outline understandable to the general public.

(d) A clarification and elaboration upon the time required by the city to prepare impact statements necessary to satisfy the requirements of this resolution. This should include recommendations for fees to be assessed against the developer and should further include definite measures to insure proper notification of all affected agencies and especially the general public in reviewing environmental assessments or impact statements.

Section V. Interim Direction: Until such time as the guidelines and procedures to be developed by the City Manager, pursuant to Section IV above, have been submitted to the City Council for their adoption, all city officials, employees and city departments shall perform their assigned functions in a manner consistent with this Resolution and the preliminary procedures and guidelines developed by the Department of Community Development bearing the date of April 19, 1973, which procedures and guidelines are hereby approved by the City Council as interim procedures and guidelines.

Until adoption of an ordinance establishing environmental policies, regulations, procedures and final guidelines, the City Manager shall make quarterly reports to the City Council beginning at the first regularly scheduled meeting in September as to the status of the development of the final regulations, procedures and guidelines.

ADOPTED by a majority vote of the Kirkland City Council in regular meeting on the 21st day of May, 1973.

William E. Woods
Mayor

ATTEST:

[Signature]
Director of Administration and Finance
(ex officio City Clerk)

CITY OF KIRKLAND

**INTERIM REGULATIONS AND GUIDELINES
PURSUANT TO RESOLUTION NO. 2181**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
DECLARING AN ENVIRONMENTAL POLICY
AND APPROVING INTERIM REGULATIONS AND GUIDELINES
TO BE FOLLOWED BY ALL CITY OFFICIALS AND DEPARTMENTS**

**Prepared by the
DEPARTMENT OF COMMUNITY DEVELOPMENT
April 19, 1973**

FIGURE 1

ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL IMPACT STATEMENT

PROCEDURAL OUTLINE

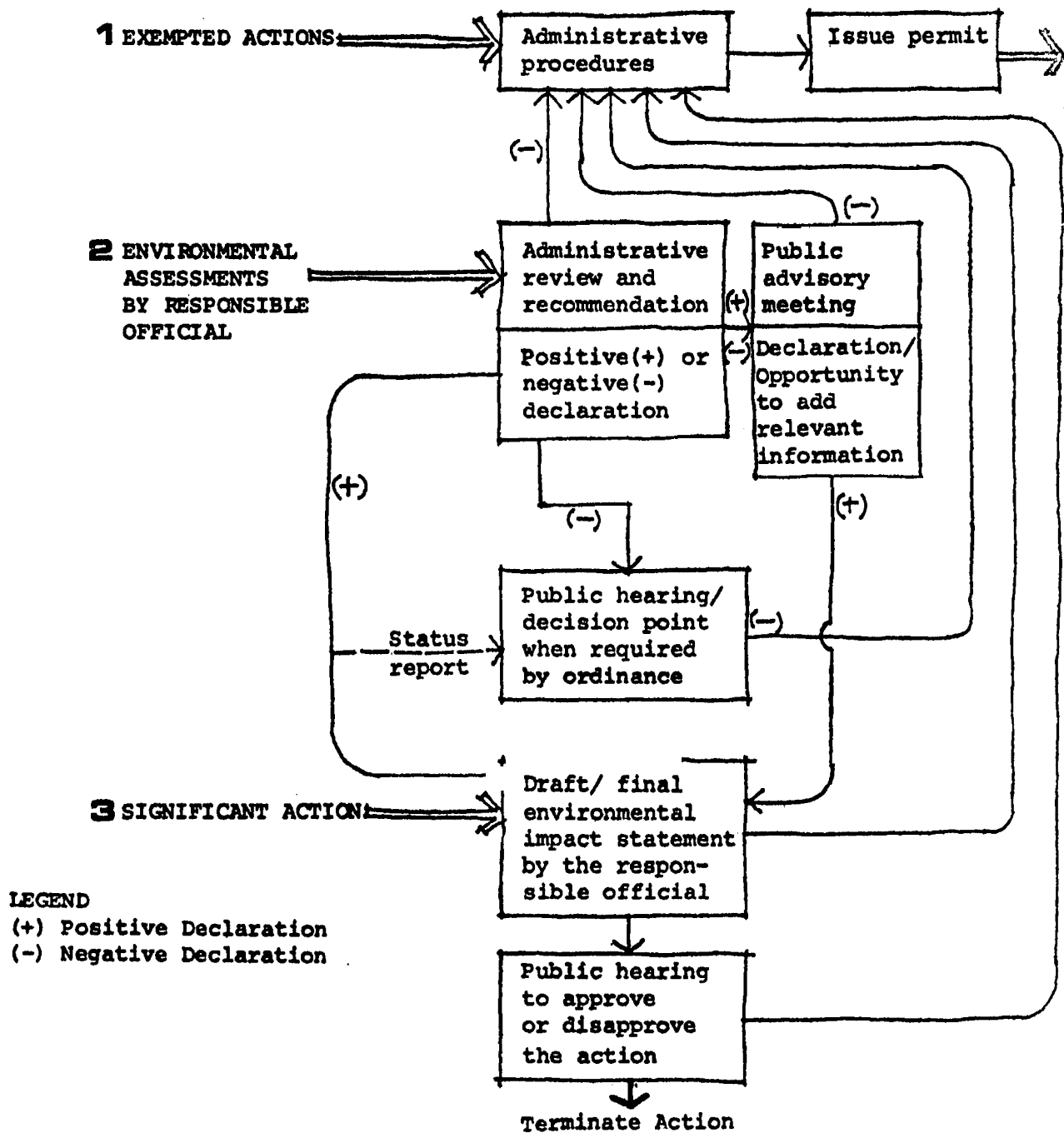


Figure 1 (continued)

TIME SCHEDULE FOR GOVERNMENTAL DECISIONS - REVIEWS OF ENVIRONMENTAL ASSESSMENTS AND IMPACT STATEMENTS AND DECLARATIONS

1. When an Environmental Assessment is required to be submitted, the Responsible Official shall reach a Declaration no later than 10 working days from the time that all information is submitted as required by the Interim Regulations.
2. In the event a Public Advisory Meeting is found necessary, such meeting shall be held within 30 calendar days from the time that all information is submitted as required by the Interim Regulations.
3. In the event a Proposed Action requires a Public Hearing pursuant to existing laws of the City, the matter shall be scheduled for Public Hearing in accordance with published schedules. The Proposed Action shall be considered filed, and so scheduled for a Public Hearing, at the date of the Negative Declaration reached by the Responsible Official.

If a Positive Declaration is reached on a matter normally to be scheduled for a public hearing, such hearing shall not be held until the Final Environmental Impact Statement is prepared.

4. The Responsible Official shall publish a Draft Environmental Impact Statement within 30 calendar days of reaching a Positive Declaration. The time periods for review and comment to Draft Statements shall correspond to the Guidelines as published by the Department of Ecology.

1. EXEMPTED ACTIONS - ACTIONS NOT SIGNIFICANTLY AFFECTING THE QUALITY OF THE ENVIRONMENT

EXEMPTED ACTIONS are those proposed actions which do not significantly affect the quality of the environment. These actions are intended to be processed administratively after review by the responsible official and all affected parties in determining whether these and other actions could be exempted from the provisions for drafting an environmental impact statement. See Figure 1 for an overview of the procedural outline.

Until an environmental policy and procedures ordinance has been adopted, the following actions could be included on an interim basis as being exempted from the necessity of doing an environmental assessment or considering the action as significantly affecting the quality of the environment.

(1) All permits for buildings or structures where the valuation is less than \$50,000 and other administrative contracts, licenses, permits or entitlements not otherwise listed as requiring an environmental assessment or the drafting of an environmental impact statement where:

- a. The related activities or appurtenant devices are not expected to exceed the requirements in Section 23.36 (Performance Standards) of the Zoning Ordinance.
- b. The construction will not occur within 50 feet of a watercourse.

- c. Where no severe soils limitations or geologic hazards are evident as described in Land: Natural Elements.
 - d. Not conflicting with established local, state, or federal standards.
 - e. The slope of the land is not greater than 15% and the development is not subject to other procedural actions.
- (2) Building permits issued subsequent to the completion of procedures required by other ordinances if no new information is brought forth indicating that the action would significantly affect the quality of the environment.
 - (3) The maintenance of a road within the operating right-of-way of the road.
 - (4) The inspection, repair or replacement of sewers, mains, pipes, cables, power lines, poles, or the like.
 - (5) The maintenance, improvement or alteration of a structure affecting only the interior, or the color or decoration of the exterior of the structures.
 - (6) The use of a dwelling structure and related land for customarily residential purposes permitted for that structure or land under the conditions in the Zoning Ordinance and not subject to other procedures.
 - (7) The demolition of existing structures.

~~Any person who is not a resident of the city shall be subject to a 7-day waiting period beginning at the date of issuance of any permit, contract, license or other certificate.~~

NOTE: For example, as an interim measure many of the following categorical actions could be considered as EXEMPTED ACTIONS:

- (1) Most building permits.
- (2) Signs not requiring permits.
- (3) Some grading permits (to be defined in the proposed grading ordinance.)
- (4) Professional and occupational licenses and permits.
- (5) Amusement license or permits.
- (6) Side sewer permits.
- (7) Most septic tank permits.
- (8) Most plumbing permits.
- (9) Mechanical permits.
- (10) Sale of fireworks permits.
- (11) Street and curb-cut permits.
- (12) Cigarette sales permits.
- (13) Other permits, contracts, title and entitlements that may fit into this category not listed above or in other sections. This list shall not be considered exhaustive by reason of enumeration.

NOTE: For example, the following actions would be subject to the assessment criteria and procedures:

- (1) Building permits not exempted.
- (2) Signs requiring a Conditional Use Permit.
- (3) Some grading permits to be defined in the grading ordinance.
- (4) Contracts, such as labor or purchasing of materials.
- (5) Some septic tank permits.
- (6) Annexations.
- (7) Most permit procedures as required in the Zoning Ordinance such as the Conditional Use Permit procedure, Planned Unit Developments, Rezones, Unclassified Use Permits and Substantial Development Permits.
- (8) Other actions, either legislative or administrative, that would potentially have a significant affect upon the quality of the environment. This list shall not be considered exhaustive by reason of enumeration.

Many of the above procedures require an administrative report which could be compared to a partial environmental assessment. Therefore, these reports would be expanded to include a review of environmental assessments.

2. PROPOSED ACTIONS REQUIRING AN ASSESSMENT OF ENVIRONMENTAL SIGNIFICANCE

This section includes actions which because of their nature could be reclassified, after a thorough analysis by the responsible official or a coordinating official to be designated by the City Manager, to either the EXEMPTED ACTIONS or into the SIGNIFICANT ACTION categories. This section, covering the so called "gray area" actions that come before the City, is necessary due to the ambiguities and lack of precision of criteria necessary to determine SIGNIFICANT ACTIONS. When criteria is firmly established those projects now requiring an assessment should be reduced and either classified as EXEMPTED ACTIONS or SIGNIFICANT ACTIONS. See Figure 1 for an overview of the procedural outline.

In an organizational context, as illustrated in Figure 1, any proposed actions requiring an assessment would be analyzed according to criteria which follows, and then be either placed into the EXEMPTED ACTION category or into the SIGNIFICANT ACTION category requiring the preparation of an impact statement.

If an action is determined, after a proper assessment, that it will not significantly effect the quality of the environment and is then classified as an EXEMPTED ACTION, it will then be processed administratively.

The following actions require a determination of environmental significance and when such actions are major and significantly affect the quality of the environment, they require the preparation of an environmental impact statement.

- (1) Recommendations or reports relating to legislation, including amendments to the zoning ordinance or map, plats or other types of actions requiring legislation.

- (2) Projects and activities undertaken by the City or one of its departments including capital improvements.
- (3) Permits, franchises, leases and other entitlements which are not otherwise included in other categories.
- (4) Development of policy, regulations and procedures.

In terms of classifying projects as being exempt or requiring an environmental impact statement, the following criteria can be used in the assessment:

- (1) Those actions which result in substantial and long term increases in existing level of air, water or noise pollution in the vicinity of the subject project or activity or those actions which perpetuate existing substandard conditions.
- (2) Actions which have a substantial adverse effect on wildlife habitats, fish and wildlife, unique and fragile vegetation.
- (3) Actions which cause a substantial change in the type and intensity of land use, population distribution and public services and facilities in the area of the subject property or activity.
- (4) Those actions which directly or indirectly cause the relocation of a sizeable number of persons.
- (5) Those actions which cause substantial harm to a public park or other recognized area of public recreation, or to an important historical or cultural resource.
- (6) Those actions which result in the destruction of any natural resource which includes land, water and other physical entities.
- (7) Those actions which reduce the beneficial uses of the environment or create risk to health or safety.
- (8) The change in environmental conditions over a large geographical area.

- (9) Other factors that would indicate that the proposed action significantly effects the quality of the environment are not excluded by reason of not being enumerated within this list.

To further determine whether an environmental impact statement should be prepared, the following considerations should be taken into account when doing the assessment:

- (1) The overall cumulative direct and indirect impact of the action proposed and of further actions contemplated.
- (2) Importance of the action in terms of setting a precedent for action in much larger cases or for other similar actions.
- (3) The potential conflicts of the action with adopted national, state, regional or local plans and policies.
- (4) The likelihood of that environmental impact of the action which will be highly controversial.
- (5) Identification of other alternatives which may be more reasonable and appropriate to the proposed action that would have less adverse environmental impact.

Procedures for Managing the assessment are as follows:

Applications, for permits that are not exempted, would have to be amended to include all necessary information for arriving at the determination that the project may or may not significantly affect the quality of the environment.

(1) The application will not be processed until all necessary information for the assessment is included for arriving at this determination. The following alternatives will be available to those submitting applications:

- a. That an adequate assessment be included as part of the application as undertaken by the developer and reviewed by the responsible official. The City will provide a format for doing assessments.
- b. That the responsible official undertakes the writing of the assessment or hires a consultant. The City would then charge an additional fee to cover the costs and not accept an application until the assessment has been completed.

The responsible official shall review the assessment.

(2) When an assessment is completed, additional time may be required for review by other governmental agencies and should be determined by the responsible official prior to making a declaration. Some evaluation method will be developed to determine if the review by other agencies would be required before a positive or negative declaration and before a hearing date is set, if necessary.

Two courses of action are available:

- a. If other governmental agencies cannot foresee significant impacts, the responsible official can continue the process either administratively or with the preparation of an impact statement.
 - b. If other governmental agencies can foresee significant impacts, the assessment review process should be extended to include appropriate comments before making a declaration. This course of action would require that a hearing date (if required as part of a procedure) be reset to allow for proper review time by other affected governmental agencies. Proper review time should not exceed one week, when possible.
- (3) If the assessment requires substantial time for evaluation, or input from other affected governmental agencies is required, the public hearing, if required by ordinance, should be tabled to the next regularly scheduled meeting date.
- (4) If a public hearing is required by any ordinance, this could provide a public forum for airing any disagreements on the part of the developer or the public as to the significance of the proposed action. The public hearing would correspond to the present requirement in the Zoning Ordinance for Conditional Use Permits, Planned Unit Developments and other such permit procedures. Since these are interim guidelines, these public meetings will be primarily for eliciting comments from the public, developers and other governmental entities to assist in developing final guidelines.

The public advisory meeting as indicated in Figure 1, would be for those actions which do not require a public hearing. The public advisory meeting, as indicated, is to offer a public forum to add relevant information that the responsible official may use in making a final declaration. Due to expected controversy or uncertainties, the advisory meeting would enable interested parties an opportunity to review administrative procedures and add relevant information. The advisory meeting would take place before the Planning Commission or Community Council only, depending on jurisdiction.

For example, consider an action, such as an apartment development that is proposed for a site presently zoned for apartments, and would, under existing conditions, only require a building permit. However, due to site limitation, such as building too close to a watercourse or significant controversy from the neighbors, or other data supplied for other affected governmental agencies causes doubt as to environmental significance, the public advisory meeting could be required to air all concerns before making a declaration.

3. MAJOR ACTIONS SIGNIFICANTLY AFFECTING THE QUALITY OF THE ENVIRONMENT

This category includes major actions significantly affecting the quality of the environment. The purpose of having such a category is to identify those projects that would immediately be considered as major and significant, therefore precluding an assessment. The responsible official would then proceed on the assumption that an impact statement would be drafted. See Figure 1 for an overview of the procedural outline.

NOTE: For example, the following actions would be considered as major and significantly affecting the quality of the environment:

- (1) Freeways
 - (2) Arterial improvements or designation of new arterials.
(Such as a new location for Sign Route 908).
 - (3) Capital improvement programs.
 - (4) Major capital expenditures.
 - (5) Bond Sales.
 - (6) Annual Budgets.
 - (7) Major annexations.
 - (8) Major excavations or filling projects.
 - (9) Alteration to any watercourses.
 - (10) Large rezones.
 - (11) Other actions that would greatly increase noise, air, water, or other pollution as compared to the existing environment.
- The above list is not to be considered exhaustive by reason of enumeration.

DEFINITION

Declarations:

According to the Department of Ecology's guidelines, the responsible official would make positive (+) or negative (-) declarations.

An EXEMPTED ACTION would generally cause a negative declaration. A

SIGNIFICANT ACTION would generally cause a positive declaration.

Those actions which require an assessment would elicit the proper

declaration by the responsible official after analysis. Figure 1

illustrates the positive (+) or negative (-) flows through the

various steps.