

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: D-4
DATE: May 10, 2007
SUBJECT: Comprehensive Plan
Supplemental Environmental Impact Statement
CONTACT PERSON: Rick Cisar, Director of Community Development

SUMMARY:

City Staff recommended the City issue a Supplemental Environmental Impact Statement for the updates to the Comprehensive Plan in order to allow for additional public comment and response on the proposed changes to the Comprehensive Plan.

The comprehensive plan update is nearing completion. Since there are material changes proposed the Growth Management Act requires an analysis of the changes and a public comment period. Issuing an SEIS will delay meeting the deadline established by the Growth Management Hearings Board. However, the SEIS process will allow for additional public review and comment period to meet the the Act's public participation goal.

1. Addendum without comment period.
2. SEIS with a comment period.
3. EIS with a comment period.

Staff is recommending the SEIS to ensure there is an opportunity for public comment and review of the proposed changes to the Comprehensive Plan. The comment period is 40 days from the date the SEIS is issued.

A Supplemental Environmental Impact Statement is a method allowed under SEPA where changes to previous Environmental Impact Statements (EIS), that rank somewhere between major and minor, are evaluated. These changes could include, updated information, clarifications, corrections, etc.

SEPA does not intend that such changes should require a total rewriting of adopted EIS's and the rules allow a somewhat simpler procedure to provide this updated information.

WAC 197-11-620 Supplemental environmental impact statement -- Procedures.

(1) An SEIS shall be prepared in the same way as a draft and final EIS (WAC 197-11-400 to 197-11-600), except that scoping is optional. The SEIS should not include analysis of actions, alternatives, or impacts that is in the previously prepared EIS.

(2) The fact sheet and cover letter or memo for the SEIS shall indicate the EIS that is being supplemented.

(3) Unless the SEPA lead agency wants to prepare the SEIS, an agency with jurisdiction which needs the SEIS for its action shall be responsible for SEIS preparation.

For the Sultan Comprehensive Plan update, the emphasis is on updating information to comply with findings of the Growth Management Hearings Board. The environmental review for the 2004 plan has been modified to incorporate these changes. Appendix A of the 2007 Comprehensive Plan will present the modified environmental review in the form of a SEIS. Because the entire document is an "integrated SEPA/GMA" Appendix A will summarize the discussion in the rest of the Plan in the form of an SEIS.

Following is a tentative schedule for Comprehensive Plan update and SEIS:

- April 27, 2007 – In-house City Staff Meeting to review the Transportation Plan, Levels of Service, and Arterial Transportation Plan
- May 5, 2007 – Plan Elements to Shockey Brend for inclusion in Comprehensive Plan
- May 15, 2007 – Planning Board to discuss Transportation Plan
- May 25, 2007 – Comprehensive Plan/SEPA issued for 40-day comment period
- July 6, 2007 – Comment period ends
- August 7, 2007 – Planning Board Public Hearing
- August 23, 2007 – City Council Public Hearing

RECOMMENDATION:

Review and discuss with City Staff the proposal to issue a Supplemental Environmental Impact Statement and direct City Staff to areas of concern.

ATTACHMENTS:

1. State Environmental Policy Act (SEPA)

ATTACHMENT 1

State Environmental Policy Act

The State Environmental Policy Act (SEPA), Washington State's most fundamental environmental law, was enacted in 1971 as chapter 43.21C RCW. SEPA's basic policy of maintaining and improving environmental quality is implemented primarily through extensive procedural requirements designed to insure that governmental agencies give proper consideration of environmental matters in making decisions on actions, whether proposed by private parties or the governmental entities themselves, that may impact the environment. If initial governmental review of a proposed action indicates that the action will have probable and significant adverse environmental impacts, preparation of a detailed environmental impact statement (EIS) will be required. The procedural requirements governing this environmental review process are contained in detailed regulations enacted by the Department of Ecology in chapter 197-11 WAC.

WAC 197-11-400 Purpose of EIS. (1) The primary purpose of an environmental impact statement is to ensure that SEPA's policies are an integral part of the ongoing programs and actions of state and local government.

(2) An EIS shall provide impartial discussion of significant environmental impacts and shall inform decision makers and the public of reasonable alternatives, including mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality.

(3) Environmental impact statements shall be concise, clear, and to the point, and shall be supported by the necessary environmental analysis. The purpose of an EIS is best served by short documents containing summaries of, or reference to, technical data and by avoiding excessively detailed and overly technical information. The volume of an EIS does not bear on its adequacy. Larger documents may even hinder the decision making process.

(4) The EIS process enables government agencies and interested citizens to review and comment on proposed government actions, including government approval of private projects and their environmental effects. This process is intended to assist the agencies and applicants to improve their plans and decisions, and to encourage the resolution of potential concerns or problems prior to issuing a final statement. An environmental impact statement is more than a disclosure document. It shall be used by agency officials in conjunction with other relevant materials and considerations to plan actions and make decisions.

WAC 197-11-405 EIS types. (1) Draft and final environmental impact statements (EISs) shall be prepared; draft and final supplemental EISs may be prepared.

(2) A draft EIS (DEIS) allows the lead agency to consult with members of the public, affected tribes, and agencies with jurisdiction and with expertise. The lead agency shall issue a DEIS and consider comments as stated in Part Five.

(3) A final EIS (FEIS) shall revise the DEIS as appropriate and respond to comments as required in WAC 197-11-560. An FEIS shall respond to opposing views on significant adverse environmental impacts and reasonable alternatives which the lead agency determines were not adequately discussed in the DEIS. The lead agency shall issue an FEIS as specified by WAC 197-11-460.

(4) A supplemental EIS (SEIS) shall be prepared as an addition to either a draft or final statement if:

(a) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts; or

(b) There is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts.

Preparation of a SEIS shall be carried out as stated in WAC 197-11-620.

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