

APPENDIX "C"

SMC 17E.050.310
(ORD C33583)

ADDITIONAL ENVIRONMENTAL FORMS

EXAMPLES ONLY, NOT OFFICIALLY ADOPTED

**SEPA ENVIRONMENTAL IMPACT STATEMENT
ADMINISTRATIVE AGREEMENT (EXAMPLE ONLY)**

THIS AGREEMENT, made and entered into by and between: the City of Spokane, a unit of local government of the State of Washington, having offices for the transaction of business at 808 West Spokane Falls Blvd., Spokane, Washington 99201, hereinafter referred to as the "Agency"; and _____ having offices for the transaction of business at _____, hereinafter referred to as the "Consultant"; and _____, having offices for the transaction of business at _____, hereinafter referred to as the "Applicant"; all jointly hereinafter referred to as the "Parties";

W I T N E S S E T H :

WHEREAS, pursuant to the State Environmental Policy Act of 1971, as amended, and the Washington Administrative Code, Chapter 197-11, the Agency has prepared and adopted local SEPA rules, and

WHEREAS, pursuant to these rules, when an environmental impact statement is required for a private proposal, the Agency will select a consultant and direct the production thereof and require that the Applicant reimburse the Agency for certain costs as stipulated in the Spokane Environmental Ordinance which are related to the preparation of the draft EIS, review of comment responses, preparation of the final EIS and public hearings, as well as certain miscellaneous operating costs; and

WHEREAS, the Applicant hereinabove has agreed to undertake the preparation of an EIS through the Agency's selection of a Consultant, and in conjunction therewith desires to formalize with the Agency his obligation to reimburse the Agency for the cost of the consultant and certain administrative costs in conjunction with the preparation of the draft EIS, comments on the same and preparation of the final EIS; and

WHEREAS, the Applicant recognizes that the Consultant works under the direction of the Agency and that the EIS may well contain information, project alternatives and mitigating measures resulting in conditions of project approval deemed undesirable by the Applicant or that project denial may actually occur;

NOW, THEREFORE, for and in consideration of the mutual promises set forth hereinafter, the parties hereto do agree as follows.

1. The Applicant recognizes his responsibility and legal obligation to assist the Agency in the full production of an EIS through the Agency's selection of a Consultant, as set forth within the Agency's SEPA rules for the following-described project:

hereinafter referred to as the "Proposal."

2. The parties recognize the Consultant-Agency relationship and that the EIS is being prepared as much or more with the enhancement of the environment and general well-being of the public in mind as with the Applicant's interests and well-being.
3. The Parties recognize that the Agency, pursuant to its SEPA rules, shall recover from the Applicant such costs incurred by the Agency in administering (1) the preparation of the draft EIS and/or SDEIS for the proposal; (2) the review comment responses related to the draft EIS and/or SDEIS for the proposal; (3) public hearing-related costs; (4) the preparation of the final EIS and/or SDEIS for the proposal and (5) miscellaneous operating costs which the Agency shall perform in conjunction with the above administrative functions, either as a result of state laws, agency ordinances or at the request of the Applicant.
4. The basis for all charges in paragraph 3 hereinabove shall be as follows:
 - a. Upper-level staff time will be at the hourly rate paid to agency staff members providing such services. In computing the hourly rate, all fringe benefits will be included.
 - b. Miscellaneous operating costs shall be those costs actually incurred by the Agency in production and circulation of the EIS, including but not necessarily limited to, other department (within the Agency) employees' salaries (computed in the manner set forth in subparagraph a above), actual costs of materials (paper, stamps and envelopes) and/or miscellaneous expenses.
5. The applicant shall deposit an initial amount of _____ with the responsible official for the Agency for payment of all costs as set forth in paragraph 3. The responsible official for the Agency, after receiving the monies, will transmit said monies to the Agency Treasurer, who will deposit the monies in the Agency Current Expense Fund. The responsible official shall maintain a separate ledger of expenses for this proposal. No agency staff member will participate with the Applicant or the Consultant in the administrative responsibilities of the Agency as the Lead Agency pursuant to the agency SEPA rules until the Applicant has signed this agreement and deposited with the Agency said initial deposit amount or such additional monies as provided for herein.

Whenever the ledger account set up pursuant to the terms of this agreement declines from the _____ deposited to an amount of _____, the Applicant agrees upon request to deposit an additional sum of _____ which shall be deposited in the same manner as the initial deposit. This process shall be repeated as often as necessary.

The Agency reserves the right to cease production of and/or to not issue the DEIS or FEIS in the event of nonpayment of the above fees.

If, after completion of the functions called for within the agency SEPA rules by the Agency, there still remains money on account for the proposal, the Agency shall pay over all remaining monies to the Applicant.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed on the _____ day of _____, 2_____.

CITY COUNCIL

Consultant Name

Consultant Signature

Applicant Name

ATTEST:

Applicant Signature

(Title)

**MITIGATED DETERMINATION OF NONSIGNIFICANCE "MDNS"
(EXAMPLE ONLY)**

FILE NO(S): _____

DESCRIPTION OF PROPOSAL: _____

PUBLIC HEARING SCHEDULED FOR: _____

PROPONENT: _____

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: _____

LEAD AGENCY: CITY OF SPOKANE

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment if mitigated as stipulated below. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- () There is no comment period for this MDNS; pursuant to WAC 197-11-350 (1).
- () This MDNS is issued under WAC 197-11-350 (2); the lead agency will not act on this proposal for at least 15 days from the date issued (below). Comments regarding this MDNS must be submitted no later than 5:00 p.m., __, 20 __, if they are intended to alter the MDNS.

MITIGATING MEASURES:

- 1.
- 2.
- 3.

Responsible Official: by _____
Position/Title: _____ Phone: (509) _____
Address: _____
Date Issued: _____ Signature: _____

APPEAL OF THIS DETERMINATION, after it becomes final, may be made to the City of Spokane Hearing Examiner, 808 West Spokane Falls Blvd., Spokane, WA 99201. The appeal deadline is fourteen (14) calendar days after the signing of the Decision. This appeal must be written and make specific factual objections. Contact the Responsible Official for assistance with the specifics of a SEPA appeal.

A copy of the MDNS was mailed to:

**ADDENDUM
DETERMINATION OF NONSIGNIFICANCE
(EXAMPLE ONLY)**

FOR NEW/REVISED PROPOSAL USING EXISTING ENVIRONMENTAL INFORMATION

Description of proposal
Description of previous proposal
Previous environmental analysis
New information related to proposal
Proponent
Location of proposal, including street address, if any
Lead agency

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- [] There is no comment period for this DNS.
- [] This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- [] This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by .

Responsible official

Position/title Phone

Address

Date Signature

You may appeal this determination to (name)

at (location)

no later than (date)

by (method)

You should be prepared to make specific factual objections.

Contact to read or ask about the procedures for SEPA appeals.