



SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 00-022

AN ORDINANCE RELATING TO THE STATE ENVIRONMENTAL POLICY ACT,  
REVISING THE PROCESS BY WHICH CERTAIN ENVIRONMENTAL  
DOCUMENTS ARE PREPARED, AND REPEALING AND REENACTING  
SNOHOMISH COUNTY CODE SECTION 23.32.040

NOW, THEREFORE BE IT ORDAINED:

**Section 1.** Snohomish County Code Section 23.32.040, last amended by Ordinance No. 84-11 on September 19, 1984, is repealed and reenacted to read:

23.32.040 EIS preparation

(1) The content of a draft or final EIS prepared pursuant to this title is determined by and the responsibility of the responsible official. EIS's are to be prepared in a responsible manner and with appropriate methodologies; they are to be objective and unbiased; they are to be done in a timely and economical manner; and must avoid a conflict of interest or the appearance of a conflict of interest.

(2) A draft or final EIS for a county proposal will be prepared by the county or an approved consultant, as determined by and under the supervision of the responsible official. A draft or final EIS for a private project will be prepared by an approved consultant, as determined by and under the supervision of the responsible official.

(3) The preparation of a draft or final EIS for a private project is subject to the following:

(a) Upon issuance of a determination of significance, the responsible official shall notify the applicant of the county's procedure for EIS preparation;

(b) The applicant shall present its proposed consultant (or consultant team) for EIS preparation, selected from the county roster of approved consultants, to the responsible official. The responsible official shall approve or reject the proposed consultant. Any selected consultant may not have acted as an advocate for the applicant in seeking to demonstrate to the responsible official that the project does not require an EIS;

(c) The applicant, in consultation with the county, shall prepare a contract with the consultant or consulting team for consultant services. The scope of work for the contract shall be subject to County review, comment and approval, provided however, that any contract prepared pursuant to this chapter shall require the consultant to produce a document which allows the average reader to understand the significant and material information concerning the proposed action, impacts and alternatives, and that maintains a neutral and objective position in relation to the proposal. Such contract shall also specify that consultants who participate in preparing a County-directed EIS are considered an agent for the County in achieving an adequate document; that when adequacy of an EIS is challenged the consultant shall continue in its capacity as an agent for the County; and the consultant shall not act as an advocate for the project in any circumstances, including all SEPA appeals;

(d) The responsible official shall oversee and direct the consultant's preparation of a draft or final EIS, including but not limited to: advice regarding areas of research and the organization of the draft and final EIS, and requirements regarding appropriate scientific methodology;

(e) The responsible official shall permit the applicant to participate in the preparation of a draft or final EIS, including but not limited to providing relevant project information and data for any area covered by the draft or final EIS. Preliminary drafts of the EIS or sections of the EIS prepared by consultants shall be submitted directly to the responsible official for review. A concurrent submittal may be made to the applicant. Consultant communication with the applicant outside the presence of County staff is limited to factual matters. No discussion of preliminary environmental analysis or conclusions is allowed without written authorization by the responsible official. If the applicant fails or refuses to provide adequate information or data required for preparation of the document, including adequate response to comments on a draft EIS, the responsible official may refuse to further process or consider the application until such information or data is provided, or until the application has expired pursuant to the county code provisions for the underlying project permit application, whichever is first; and

(f) The applicant shall bear and secure all consultant and county costs incurred in the preparation of a draft or final EIS, including associated studies as determined by the responsible official. The applicant shall pay all costs prior issuance of a final EIS. The applicant's obligation to pay for costs shall not be affected by the expiration of the application or if the application is not otherwise approved.

(4) The director of planning and development services is authorized to develop administrative guidelines and procedures to interpret and implement this section, including but not limited to a form consultation contract, a system for collection of money from the applicant and distribution to the consultant for services rendered, requirements for requests for qualifications to establish a consultant roster, timelines for completion of a draft or final EIS, and an outline for EIS format and requirements for EIS content.

**Section 2.** This ordinance shall not apply to projects for which a determination of significance has been issued and a consultant has been selected before the effective date of this ordinance.

PASSED this 5<sup>th</sup> day of July, 2000.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

Barbara Ketchum  
Chair

ATTEST:

Barbara Ditoristi  
Asst. Clerk of the Council

- APPROVED
- VETOED
- EMERGENCY

DATE: 7/6/00

Gary Weikel  
County Executive

ATTEST:

Laura Nelson

for

**GARY WEIKEL  
Executive Director**

Approved as to form only:

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Deputy Prosecuting Attorney

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