



SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable:
City of La Center Annual Comprehensive Plan Updates

2. Name of applicant:
City of La Center

3. Address and phone number of applicant and contact person:
210 East 4th Street, La Center, WA 98629
(360) 263-7665
Contact: Jessica Nash, Permit Technician

4. Date checklist prepared:
July 24, 2023

5. Agency requesting checklist:
City of La Center

6. Proposed timing or schedule (including phasing, if applicable):

This is a non-project action for annual comprehensive plan text and map updates and zoning map updates. The schedule for the project is as follows:

- August 8, 2023: Planning Commission public hearing*
- August 23, 2023: City Council workshop*
- September 27, 2023: City Council public hearing/adoption*

Public hearing notices will be issued at least 14 days prior to the Planning Commission and City Council public hearings.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Not applicable. This is a non-project SEPA checklist for an update to the City's comprehensive plan text and map and zoning map processed through the City's annual comprehensive plan update process.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Environmental information prepared is limited to this SEPA checklist.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Not applicable. This is a non-project action for annual updates to the comprehensive plan text and map and to the zoning map.

10. List any government approvals or permits that will be needed for your proposal, if known.

The annual comprehensive plan update and zoning map update will require Planning Commission recommendation and City Council approval.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe

certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The City of La Center is completing the annual comprehensive plan update and zoning map updates for the purpose of correction of mapping errors due to comprehensive plan designations that do not align with zoning; comprehensive plan designations that do not align with existing land use; and/or comprehensive plan designations that do not align with owner's intent for the property. The annual comprehensive plan update will primarily affect the currently adopted 2016-2035 La Center Comprehensive Plan and the adopted La Center Zoning Map. The following table includes the affected properties with their respective size, current comprehensive plan designation and zoning, and proposed comprehensive plan designation and zoning:

Property ID	Owner	Acres	Existing Designation	Proposed Designation	Existing Zoning	Proposed Zoning
63630000	UNGAR PROPERTIES LLC	0.12	UR	C/MX	LDR 7.5	RP
63635000	UNGAR PROPERTIES LLC	0.11	UR	C/MX	LDR 7.5	RP
63620000	BRITTANY CORDOVA	0.23	UR	C/MX	RP	RP
209481000 (portion in La Center UGA)	KLEIN SETH MATTHEW & KLEIN STEPHANIE ANNE	10	UR	PF/OS	P/OS	P/OS
209709000	LARSEN LELAND & LARSEN MARY	11.5	PF/OS, UR	UR	LDR 7.5	LDR-7.5
986028825	City of La Center	5.19	UR	PF/OS	MDR-16	P/OS
62724000	City of La Center	0.91	PF/OS, C/MX	C/MX	PF, C-1	C-1

In addition to the specified Comprehensive Plan map and adopted Zoning Map updates, the City is proposing a minor text revision to the Comprehensive Plan to recognize that density transfers from critical areas may permit net densities to exceed standard maximum densities specified for zones in the Comprehensive Plan.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. *The annual comprehensive plan updates will apply to seven properties within the City of La Center. Four of these properties include both a comprehensive plan designation and zoning change,*

whereas three properties only include a comprehensive plan designation change. See table below for more property information:

Property ID	Property Address	Property Legal Description
63630000	428 West 5th Street, La Center, WA 98629	NW 1/4, S03, T4N, R1E
63635000	418 West 5th Street, La Center, WA 98629	NW 1/4, S03, T4N, R1E
63620000	None	NW 1/4, S03, T4N, R1E
209481000	331000 Northeast Ivy Avenue, La Center, WA 98629	NE & SE 1/4, S03, T4N, R1E
209709000	33506 Northwest 11th Court, La Center, WA 98629	NE 1/4, S04, T4N, R1E
986028825	34512 Northwest Pacific Highway, La Center, WA 98629	SE 1/4, S33, T5N, R1E
62724000	214 East 4th Street, La Center, WA 98629	NE 1/4, S03, T4N, R1E

In addition, density transfers would be available in the City's Low Density Residential (LDR-7.5), Medium Density Residential (MDR-16), Residential Professional (R/P), and Mixed-Use (MX) zones throughout the City.

B. Environmental Elements [\[HELP\]](#)

Consistent with WAC 197-11-960, the lead agency (the City of La Center) has determined that completion of Section B is not necessary for this non-project action.

1. Earth [\[help\]](#)

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

3. Water [\[help\]](#)

a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the

well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

4. *Plants* [\[help\]](#)

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

- c. List threatened and endangered species known to be on or near the site.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
- e. List all noxious weeds and invasive species known to be on or near the site.

5. Animals [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:
 mammals: deer, bear, elk, beaver, other:
 fish: bass, salmon, trout, herring, shellfish, other _____

- b. List any threatened and endangered species known to be on or near the site.
- c. Is the site part of a migration route? If so, explain.
- d. Proposed measures to preserve or enhance wildlife, if any:
- e. List any invasive animal species known to be on or near the site.

6. Energy and Natural Resources [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.
- 1) Describe any known or possible contamination at the site from present or past uses.
 - 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
 - 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
 - 4) Describe special emergency services that might be required.
 - 5) Proposed measures to reduce or control environmental health hazards, if any:
- b. Noise
- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
 - 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
 - 3) Proposed measures to reduce or control noise impacts, if any:

8. Land and Shoreline Use [\[help\]](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?
- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal

business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

- c. Describe any structures on the site.
- d. Will any structures be demolished? If so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

9. Housing [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

- c. Proposed measures to reduce or control housing impacts, if any:

10. Aesthetics [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

- b. What views in the immediate vicinity would be altered or obstructed?

- b. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and Glare [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

- c. What existing off-site sources of light or glare may affect your proposal?

- d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?

- b. Would the proposed project displace any existing recreational uses? If so, describe.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

h. Proposed measures to reduce or control transportation impacts, if any:

15. Public Services [\[help\]](#)

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities [\[help\]](#)

a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  _____

Name of signee Ethan Spoo, AICP, _____

Position and Agency/Organization Consulting Planner (WSP USA Inc) _____

Date Submitted: July 24, 2023 _____

D. Supplemental sheet for nonproject actions [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed changes to the Comprehensive Plan Map and text and adopted Zoning Map are not anticipated to substantially increase discharges to water; emissions to air; production, storage, or release of toxic or hazardous substances; or the production of noise. Four of the properties are changing their comprehensive plan designation to a designation that allows slightly more intensive uses (urban residential to commercial/mixed use) that could marginally increase emissions to air and noise production from increased traffic generated by the uses that are allowed in the resulting comprehensive plan designation and zone. However, these increases are expected to be marginal and must comply with the La Center Municipal Code (LCMC) and La Center Engineering Standards regarding noise, traffic, and stormwater control.

The proposed change to the Comprehensive Plan text will recognize that density transfer from critical areas can increase net densities to provide an additional incentive to preserve critical areas, thereby better maintaining the pollution prevention function of riparian and wetland buffers and preserving or bettering water quality.

Proposed measures to avoid or reduce such increases are:

No additional mitigation measures are proposed or required since increases to noise and air emissions would be minor and insignificant.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The resulting development or redevelopment from the proposed comprehensive plan designations and zoning changes must comply with the City's critical areas ordinance, SEPA regulations, stormwater regulations, shoreline master program, and tree protection ordinance where applicable. These ordinances protect plants and animals, and fish inside and outside of critical areas.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Outside of compliance with the City's critical areas ordinance, SEPA requirements, stormwater regulations, shoreline master program, and tree protection ordinance, no additional measures are necessary to protect or conserve plants, animals, fish, or marine life.

3. How would the proposal be likely to deplete energy or natural resources?

The annual comprehensive plan text and map updates and the resulting comprehensive plan designation and zoning changes on the subject properties may lead to a marginal increase in demand for water and electrical energy due to higher densities and commercial uses allowed with the updates. However, when these properties develop or redevelop, they will be required to obtain electrical permits and service and water service through Clark PUD, which has a comprehensive planning process to identify and plan for electric and water provision. Uses from annual comprehensive plan updates will pay higher service fees if they use additional water or electricity than what is currently being utilized on each respective property. This increase in use of water and energy are not anticipated to deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

No mitigation is proposed or required as part of the annual comprehensive plan text and map updates and the zoning map updates since impacts on energy and natural resources would be marginal and Clark PUD can increase rates and has a plan to accommodate population growth that would lead to increased water and

energy usage.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Any development on the subject properties will be subject to the City's critical areas ordinance protecting wetlands, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and critical aquifer recharge areas prior to approval. There are no wilderness areas or wild and scenic rivers in La Center. Threatened and endangered habitat is regulated by the City's critical areas ordinance. Any development that occurs on the proposed properties from the updates to the Comprehensive Plan and zoning map updates will be required to comply with the City's archaeological protection requirements, if applicable, in LCMC 18.360. There is no prime farmland in La Center. Therefore, no substantial impacts are anticipated for these resources.

The text update to the Comprehensive Plan will recognize that density transfers can occur that will exceed the net density otherwise allowed in the MDR-16, R/P and MX zones to better protect critical areas which are environmentally sensitive areas and contain threatened and or endangered species habitat.

Proposed measures to protect such resources or to avoid or reduce impacts are:

No additional mitigation measures are proposed or required.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The updates to the Comprehensive Plan update would not conflict with the City's Comprehensive Plan or Shoreline Master Program as the purpose of this update is for mapping corrections and to ensure that existing land use, zoning, and the comprehensive plan are consistent in accordance with the Comprehensive Plan. The updates to Comprehensive Plan and zoning maps would be consistent with the following applicable goals and policies in the Comprehensive Plan: zone changes within a Comprehensive Plan designation shall be reviewed by the Planning Commission and City Council (Policy 1.1.12); providing adequate residential lands and developments that shall emphasize low density residential and encourage medium density development in certain areas (Policy 1.2.1); cooperate with Clark County to maintain an adequate supply of commercial and industrial lands within the present and future urban growth area (Policy 1.3.1); encourage downtown commercial development which fosters La Center's small town, "Main Street" ambiance (Policy 1.3.3); and encourage flexible and cost-efficient land use regulations to allow creative housing types for an economically diverse population (Policy 3.1.2).

The text updates to the Comprehensive Plan will recognize that density transfers from critical areas can occur that exceed the otherwise allowed maximum density in the MDR-16, R/P, and MX zoning districts.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The proposed updates to the City's Comprehensive plan text and map and adopted Zoning Map would be compatible with the City's land use and shoreline plans. No mitigation measures are proposed or required.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Five out of seven of the properties are changing their comprehensive plan designations to designations that allow zoning and uses that allow greater residential or commercial density that

could result in minor, but insignificant increased demands on transportation, public services, and utilities from their original designations. Developments on these properties with their respective comprehensive plan designations will be subject to the LCMC development regulations, La Center Engineering Standards, and impact fees for parks, schools, and transportation and system development charges for sewer and water. to mitigate increased demands on public infrastructure and utilities throughout La Center. The resulting uses from the annual Comprehensive Plan and adopted Zoning Map updates may cause an incremental increase in the City's sewer utility due to increased potential of residential densities and commercial uses, but the increased demand is anticipated to be within the capacity of the City's sanitary sewer conveyance and treatment systems.

See response to section D.3 of this checklist for water and electricity utility impacts.

Proposed measures to reduce or respond to such demand(s) are:

No additional measures are proposed or required.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

There would be no known conflicts with local, state, or federal laws or requirements created by the proposed updates. The annual comprehensive plan update is allowed per the requirements of RCW 36.70A.130(1) and LCMC 18.120.