

ORDINANCE NO. 95

AN ORDINANCE IMPLEMENTING THE STATE ENVIRONMENTAL POLICY OF 1971.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF WALLA WALLA COUNTY, WASHINGTON:

Section 1. Applicability. Every recommendation or report on proposals for legislation or other major action significantly affecting the quality of the environment within the unincorporated area of Walla Walla County shall proceed in compliance with this Ordinance. A detailed statement is required of the responsible officials on: (1) the environmental impact of a proposed action; (2) summary of all environmental effects which cannot be avoided should the action be implemented; (3) alternatives to the proposed action; (4) measures to be taken which would attempt to relieve any adverse environmental impact; (5) the relationship between the short range detrimental effects or damage to the environment versus the future benefits to be derived from the proposed action; (6) the conformity of the proposed action with adopted plans, policies and goals of the community and other public agencies; and (7) any irreversible and irretrievable commitment and resources which would be involved in the proposed action, should it be implemented.

Section 2. Definitions. Whenever the following words or terms are utilized, unless otherwise defined, they shall have the meaning ascribed to them as outlined below. These definitions are intended to clarify but not replace or negate any definitions used or intended in the State Environmental Policy Act.

"SEPA" means the State Environmental Policy Act of 1971 (Chapter 109, Laws of 1971, 1st EX. Session).

"NEPA" means the National Environmental Policy Act of 1969 (Public Law 91-190).

"Environmental Impact Statement" (EIS) means a detailed statement setting forth the environmental effects and considerations pertaining to an action.

1. Draft EIS means an EIS containing the information specified in this ordinance and adopted guidelines.
2. Final EIS means an EIS containing the information specified in this ordinance and adopted guidelines, a section for comments received in the consultation process, and the response of the Responsible Agency to the comments received.

"Responsible Official" means the elected County Board of Commissioners.

"Actions" means those actions or projects by either a public or private agency which may result in any of the conditions described in Section 6 of this ordinance or other actions resulting in comparable significant effects on the quality of the environment.

"Significant Effect" means a substantial impact on the environment.

"Public Agency" means any federal, state, regional, county, or municipal government as used herein, or any agency sub-unit of these governmental units. It does not include the various courts of the state.

"Private Person" means an individual, partnership, firm, association, corporation, trust, company, organization, cooperative or other member of the public. The term "Private Person" does not include federal, state, regional, or local governments or the agencies of such governments.

"Negative Declaration" means a document which indicates there will be no significant impact on the quality of the environment if the proposed action is undertaken and therefore, does not require an EIS. The term "Statement of No Significant Impact" is interchangeable with the term "Negative Declaration".

Section 3. Responsible Officials. The Walla Walla County Board of Commissioners is hereby designated as the responsible officials.

Section 4. Environmental Assessment. In every application by a private person or any public agency requiring County action, the responsible officials shall require that the applicant provide as part of the application all information, studies and tests necessary to assist the responsible officials in making an analysis of the environmental impact of the proposed action and an analysis of alternatives to the proposed action. This requirement shall be uniformly and fairly applied within the same categories of actions. The responsible officials may refuse to process and consider the application if the applicant fails to provide the required information.

Section 5. Insignificant Impact-Negative Declaration. The declaration of insignificant impact is a written record or document of the responsible officials' determination that the proposed action will have an insignificant effect on the quality of the environment. The declaration shall contain a brief summary of the proposed action and the environmental impact of the proposed action.

Section 6. Significant Impact-EIS Required. The following points shall be considered.

(1) The Proposed Action. The EIS shall contain a description of the proposed action, name of the project, location, physical characteristics, objectives, cost and timetable for completion, approvals needed, and names, addresses and telephone numbers of all persons and agencies involved. All background data, maps, charts, graphs and other pertinent information shall be provided.

(2) Existing Conditions. The EIS shall contain information describing the area directly involved, topography, geology, biological and botanical characteristics, atmospheric conditions, aquatic conditions and any other pertinent information deemed necessary, such as land use, population characteristics, etc.

(3) Environmental Impact. Any change in the natural and physical characteristics shall be noted. The analysis shall include direct and secondary impact on the natural features of the area directly involved and the impact on various life forms and human use of the area. Both quantitative and qualitative information shall be included.

(4) Summary of Environmental Effects. Any effects on the environment which cannot be reduced in severity or which can be reduced, but not eliminated shall be noted. A comparison of different measures or treatment and the relative costs involved shall be included.

(5) Alternatives to the Proposed Action. The EIS shall include a description of reasonable alternatives in sufficient detail so as to not foreclose choices other than the action proposed. These may include: (a) the alternative of taking no action, (b) alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts, and (c) alternatives related to different designs or details of the proposed action which would present different environmental impacts.

(6) Relationship between the Short Range Detrimental Effects or Damage to the Environment Versus the Future Benefits to be Derived from the Proposed Action. The EIS shall include a description of the cumulative and long-term effects of the proposed action which narrow the range of future beneficial uses of the environment or pose long-term risks to health or safety. Where appropriate, the economic and technical benefits of the proposed action should be assessed and weighed against the environmental costs.

(7) Identify Relationship of Proposed Action with Adopted Plans, Policies and Goals of the Community. The EIS shall make reference to all adopted reports, plans, policies, objectives and goals of the community.

(8) Irreversible and Irretrievable Commitment of Resources. The EIS shall include a description of the kind and quantity of resources permanently committed both present and future as a result of the proposed action.

(9) Comments from Other Agencies. Draft environmental impact statements shall be made available to the public and may be reviewed at the Responsible Officials' office. Consultation may be accomplished by circulating a draft environmental impact statement or by checklist. The responsible officials may establish maximum time limits of not more than sixty (60) days for reply. If no reply is received within the time period, it is presumed that the agency consulted has no reply to make. Additional time may be allowed by the responsible officials if the extension requested is for the purpose of gathering information. A list of agencies contacted, their comments, and any other public expression and participation in the proposed action shall be made a part of the environmental impact statement.

Section 7. Departmental Procedures. Each department shall develop and present to the Board, within ninety (90) days of the effective date of this ordinance, its procedures for receiving applications, processing environmental assessments and finalizing Environmental Impact Statements. Each Department shall also identify those departmental actions which may have environmental significance for which an Environmental Impact Statement must be prepared.

Section 8. Exemptions.

(1) Single-Family Residences. All acts relating directly to location, construction, or modification of individual single-family residence; except in sensitive areas, are exempted from the "detailed statement" requirement of RCW 43,21C.030 of the State Environmental Policy Act of 1971.

"Single-Family Residence" is defined as a dwelling designed to accommodate human habitation for not more than one family. The phrase is also defined to include garages, patios, buildings, and other appurtenant facilities directly associated with said dwelling.

"Sensitive Area" is defined as any area which:

(a) Contains significant threats to the environment arising from earth slides, avalanches, or flooding from a flood of a frequency expected to recur on the average of once every one hundred years or a flood magnitude which has a one percent chance of occurring in any given year; or

(b) Contains any special natural values such as a marsh land, or habitation place of substantial concentrations of flora or fauna or of rare or endangered species of flora or fauna; or

(c) Is being given special attention because of a problem of critically low or declining resource supply or quality; or

(d) Contains elements having significant aesthetic, recreational or historical value; or

(e) Is within "shorelines of the state" as defined in the Shoreline Management Act of 1971.

Permits and facilities relating to Single Family Residences and accessory buildings; Building permits; Sewerage/septic tank permits; Electric power facilities; Water supply facilities; Grading permits; and Dimensional variances.

(2) Existing Facilities. Consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical and electrical equipment, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;

(b) Existing facilities of both investor, publicly owned utilities used to convey or distribute electrical power, natural gas, sewage, telephone service, television service, etc.;

(c) Existing highways, streets, and roads, sidewalks, curbing, gutters, pedestrian and bicycle trails, and similar facilities within established right-of-ways;

(d) Restoration or rehabilitation of deteriorated or damaged structures, other facilities or mechanical and electrical equipment needed to maintain public health and safety standards unless it is determined that the damage resulted from an environmental hazard such as earthquake, landslide or flood;

(e) Additions to existing structures provided that the addition will not result in an increase of more than fifty percent (50%) of the floor area of the structure before the addition or alteration, or 2,500 sq. feet, whichever is less;

(f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, electrical or mechanical equipment;

(g) New copy on existing on and off premise signs and marquees;

(h) Maintenance of existing landscaping, native growth and water supply reservoirs;

(i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflow, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;

(j) Demolition and removal of buildings and related structures.

(3) New Construction of Limited Size Structures. Consists of construction and location of single structures or facilities and necessary appurtenant facilities directly associated with said structure or facility.

(a) Minor highway, road and street improvements such as channelization and elimination of sign restrictions at intersections, traffic control devices, street lighting, guard rails and barricade installation, cattle guards, catch basins and culverts.

(4) Land Use Decisions. Consists of actions involving minor alterations in land use, including but not limited to:

(a) Variances based on special circumstances applicable to subject property such as size, slope, topography, location or surroundings and not resulting in any change in land use or density;

(b) Classification of land for current use taxation pursuant to RCW Chapter 84.34, as amended;

(c) Extensions granted for approval of plats, planned unit developments, cluster developments, etc., and zoning reclassifications.

(5) Minor Alterations to Land. Consists of minor public or private alterations to the condition of land, water and/or vegetation, including but not limited to:

(a) Surface grading on nearly level land (less than 10%) except in or near a waterway, wetland, and in an officially designated scenic area, or in geologic hazard areas;

(b) Grading or filling of not more than 500 cubic yards of material;

(c) New gardening or landscaping with limited tree removal;

(d) Minor temporary used having no permanent effects on the environment, including carnivals, circuses, sale of Christmas trees, Christmas decorations, etc.



(6) Business and Regulatory Licenses. Consists of actions involving the licensing of business and related activities, including but not limited to:

(a) Licenses for amusement devices and entertainment, circuses, carnivals, dances, music machines, theatres and seasonal decorations;

(b) Licenses for charitable and religious solicitation, private security services, taxicab and other vehicles for hire;

(c) Licenses for massage parlors, second-hand dealers, pawnbrokers, junk dealers, close-out sales;

(d) Licenses for sale or display of fireworks;

(e) Licenses for food services, meat distribution, dairy products;

(f) Animal control licenses.

(7) Exisiting Environmental Impact Statement. Consists of the following actions;

(a) Actions for which an environmental impact statement has previously been prepared, for another stage of decision-making, by responsible officials, a county department or by a non-county agency pursuant to the National Environmental Policy Act of 1969 or the State Environmental Policy Act of 1971;

(b) Actions related geographically or as logical parts in a chain of contemplated actions for which an adequate environmental impact statement has previously been prepared by the Responsible Officials, county department or by a non-county agency;

(c) Actions within a program for which an adequate environmental impact statement has previously been prepared by the Responsible Officials, a county department or by a non-county agency;

(d) Actions for which a determination of insignificance has previously been made by the Responsible Officials, or a county department and a declaration, report or document exists to the effect.

#### Section 9. Application and Fees.

In certain instances, the proposed action may be of such magnitude that the resources and abilities of the county will not be such as to adequately assess the project. In these cases, an EA fee may be established by the county in consultation with the project initiator.

The county shall decide whether it will prepare the EIS or shall utilize an outside source to assist in preparation.

If a full draft and final impact statement is needed, as determined by the environmental assessment, the cost thereof shall be borne by the project initiator.

Section 10. Effective Date and Retroactive Application. All proposals for which county actions have been finalized prior to the effective date of August 9, 1971, would not require an impact statement. However, proposals that are wholly initiated after the effective date of the State Environmental Policy Act, or proposals that still have some decisions remaining after the effective date shall be viewed as applicable under this ordinance.

Dated this 18th day of December, 1973.

Attest:

*Theodore S. Bjerke*  
Clerk of the Board of  
County Commissioners

BOARD OF COUNTY COMMISSIONERS  
WALLA WALLA COUNTY, WASHINGTON

*Eugene V. Kelly* Chairman

*James A. Stenecker* Commissioner

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BY *H. H. Co. Commissioners*  
THEODORE S. BJERKE, Walla Walla County Auditor

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