

AN ORDINANCE IMPLEMENTING THE STATE ENVIRONMENTAL POLICY ACT

WHEREAS, the County of Walla Walla has a legal obligation under the State Environmental Policy Act to protect the public's right to a healthful environment and contribute to the enhancement of the environment, and

WHEREAS, the Legislature has required by Senate Bill 2654, Chapter 278, Laws of 1977, that every agency and municipal corporation adopt policies for denial or conditional approval of proposals based on environmental impacts, if they wish to continue to use SEPA to mitigate adverse impacts of a project, and has made other changes in the State Environmental Policy Act; WAC 197-10-Guidelines and State Law, and

WHEREAS, the Walla Walla County Environmental Review Committee has helped draft the ordinance and has recommended approval of the ordinance, and

WHEREAS, Walla Walla County intends to utilize the State Environmental Policy Act in a manner which will balance environmental considerations with the need for growth and development, and

WHEREAS, the Walla Walla County Planning Commission has recommended adoption of the ordinance, and

WHEREAS, it is in the public interest to utilize the SEPA process in conditioning approval of proposals, and

WHEREAS, the Board of County Commissioners has held a public hearing for the purpose of taking testimony from interested persons; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Walla Walla County that the SEPA ordinance is hereby adopted.

Section 1: Policies and Authority

- (1) Walla Walla County adopts by reference the policies of the State Environmental Policy Act as expressed in RCW 43.21C.020 and RCW 43.21C.060.
 - (a) It is the policy of Walla Walla County to approve, deny or condition all public and private proposals, subject to the limitations of this section, so as to mitigate or prevent identified significant adverse environmental impacts insofar as practical, in accordance with RCW 43.21C.020(2) and 43.21C.060.
 - (b) The County shall act on all public and private proposals so as to mitigate or prevent identified adverse impacts to the elements of the physical and human environment described in WAC 197-10-444, which include (1) earth; (2) air; (3) water; (4) flora; (5) fauna; (6) noise; (7) light and glare; (8) land use; (9) natural resources; (10) risk of explosion or hazardous emissions; (11) population; (12) housing; (13) transportation; (14) public services; (15) energy; (16) utilities; (17) human health; (18) aesthetics; (19) archeological and historical.
- (2) A proposal which is a major action may be denied only if:
 - (a) The proposal would result in significant and unavoidable adverse environmental impacts identified in a final impact statement prepared pursuant to this chapter which are not addressed by specific regulations; and
 - (b) Approval of such a proposal would be in conflict with the policies contained in the Comprehensive Plan and its supplements and community plans, which specifically address such impacts.
- (3) A proposal which is a major action may be conditioned so as to mitigate or prevent significant adverse environmental impacts identified in an environmental document prepared pursuant to this chapter not addressed by specific regulations;
 - (a) Where the conditions can reasonably be fulfilled; and
 - (b) Based upon adopted policies, such as contained in the Comprehensive Plan and its supplements and community plans, which specifically address the impacts identified in environmental documents.

- (4) The Board of County Commissioners of Walla Walla County may attach responsible conditions found necessary to make the project compatible with its environment, to carry out the goals and policies of the Comprehensive Plan, or other applicable plans, policies and programs adopted by the County. Such conditions may include, but not be limited to, the:
 - (a) Exact location and nature of development, including additional building and parking area setbacks, screening in the form of landscaped berms, landscaping or fencing;
 - (b) Impact of the development upon other lands;
 - (c) Hours of use or operation or type and intensity of activities;
 - (d) Sequence and scheduling of development;
 - (e) Maintenance of the development;
 - (f) Duration of use and subsequent removal of structures;
 - (g) Granting of easements for utilities or other purposes and dedication of land or other provisions for public facilities, the need for which the County finds would be generated in whole or in significant part by the proposed development.
- (5) Any decision of denial, or approval with conditions, made pursuant to this section shall be set forth by the responsible official in a written order containing findings of fact and conclusions explicitly based on the proposal's impacts as identified in the final EIS or other environmental document, giving appropriate consideration to economic values.

Section 2: The County of Walla Walla hereby adopts by reference the following sections of Chapter 173-805 WAC:

WAC 173-805-020 Adoption by Reference
 173-805-030 Additional Definitions
 173-805-040 (1) & (2) (b)(d)(g) Time Limits Applicable to the SEPA Process
 173-805-050 (3)&(4) Environmentally Sensitive Areas
 173-805-060 Use of Exemptions
 173-805-070 (2)(3) & (6) Lead Agency Determination and Responsibilities
 173-805-080 Transfer of Lead Agency Status
 173-805-090 Environmental Checklist
 173-805-100 (3)(4) & (5) Preparation of EIS
 173-805-110 (2) Designation of Official to Perform Consulted Agency Responsibilities for the County
 173-805-120 (2) & (3) SEPA Public Information Center
 173-805-121 Responsibility of Agencies - SEPA Public Information
 173-805-135 Notice/Statute of Limitations
 173-805-140 Severability

Section 3: Time Limits Applicable to the SEPA Process

- (1) The time limits set forth in this subsection shall not apply to withdrawals of affirmative and negative threshold determinations where such withdrawals are made in accordance with WAC 197-10-370 and WAC 197-10-375.
- (2) Draft Environmental Impact Statement. The draft EIS shall be submitted to the Board by the applicant within sixty (60) days of written notification of such a requirement, unless the applicant can demonstrate in writing to the Environmental Review Committee, the need for an extension. If such a need is determined, the ER Committee may grant extensions.
- (3) Final Environmental Impact Statement. The final EIS shall be submitted within forty (40) days after completion of the review period of the draft EIS, unless a revised draft EIS is prepared.

Section 4: Environmentally Sensitive Areas.

- (1) Environmentally sensitive areas shall be:
 - (a) The shorelines of the County as designated by the Walla Walla Shoreline Master Program. All activities which require a Shoreline Management Substantial Development Permit shall require a threshold determination.

- (2) Maps designating such areas shall be filed at the Walla Walla County Planning Office, together with the exemptions from those listed in WAC 197-10-177(2) which are inapplicable in such an area, and shall have full force and effect of law as of the date of adoption.
- (3) The following categorical exemptions set forth in WAC 197-10-170 shall not be exempted when within a designated environmentally sensitive area, shall require a threshold determination, and may require an environmental impact statement.

WAC 197-10-170(1)(c) The construction of an office, school, commercial, recreational, service or storage building with less than 4,000 square feet of total floor area, and with associated parking facilities designed for twenty automobiles or less.

WAC 197-10-170(1)(i) The construction of a parking lot designed for twenty automobiles or less.

WAC 197-10-170(1)(j) Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, III and IV forest practice under Chapter 76.09.050 RCW or regulations promulgated thereunder, except those Class IV forest practices designated by the forest practices board as being special forest practices and therefore subject to SEPA evaluation.

WAC 197-10-170(5)(c) All licenses to operate or engage in amusement devices and rides and entertainment activities, including but not limited to cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities or temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

WAC 197-10-170(10)(a) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivisions previously exempted under this section.

WAC 197-10-170(19)(h) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

Section 5: Lead Agency Determination and Responsibilities

- (1) Any department within the County receiving or initiating a proposal, any portion of which involves a major action, shall forward the environmental checklist to County Planning for determination of the lead agency, pursuant to the criteria set forth in section WAC 197-10-203. This determination shall be made for each proposal involving a major action unless the lead agency has been previously determined, or the department is aware that another department or agency is in the process of determining the lead agency.
- (2) In the event that the County or any department thereof receives a lead agency determination made by another agency which does not appear to be in accord with the criteria of WAC 197-10-205 through -245, it may object thereto. Any such objection must be made and resolved within fifteen (15) days of the receipt of the determination, or the County must by action of the department head, petition DOE for a lead agency determination pursuant to WAC 197-10-260 within fifteen (15) days.
- (3) The Director of Planning is authorized to make agreements as to lead agency status pursuant to WAC 197-10-240 and WAC 197-10-245; PROVIDED, that any such agreement involving assumption of lead agency status by the County will first be approved by the responsible official for the County and that any department which will incur responsibilities as a result of any such agreement will approve the agreement.

Section 6: Preparation of Environmental Impact Statement

- (1) With the approval of the applicant, the County may elect to prepare the draft and final EIS, or may retain a consultant to prepare the EIS. In the event the responsible official determines that the consultant will be retained to prepare an EIS, the applicant shall be so notified immediately after completion of the threshold determination.
- (2) In the event that an EIS is to be prepared by a consultant retained by the agreement of the County and the applicant, the responsible official shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official shall direct the areas of research and examination to be undertaken, as well as the organization of the resulting document.

Section 7: Additional Elements to be Covered in an EIS

When the following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under these rules:

- (1) Economy, including both the public and private sectors.
- (2) Cultural factors.
- (3) Sociological factors.
- (4) Ascertainable County and regional standards, goals, policies and plans.

Section 8: Designation of Official to Perform Consulted Agency Responsibilities for the County

- (1) The following department shall be responsible for the preparation of written comments for the County in response to a consultation request prior to a threshold determination, participation in predraft consultation, or reviewing a draft EIS: County Planning Department.

Section 9: Designation of Responsible Official

- (1) For those proposals for which the County is the lead agency, the responsible official shall be the County Board of Commissioners.
- (2) The responsible official or his designee shall make the threshold determination, supervise preparation of any required EIS, and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA guidelines which were adopted by reference in WAC 173-805-020 hereof, for all proposals for which the County is the lead agency.
- (3) The County Board of Commissioners may seek the advice of the Planning Commission regarding threshold determinations on a major action requiring a rezone, conditional use permit, comprehensive plan amendment, preliminary plat approval or Shoreline Management Substantial Development Permit.
- (4) When the County Board of Commissioners consider a recommendation for denial of a rezone, conditional use permit, preliminary plat approval, comprehensive plan amendment or Shoreline Management Substantial Development Permit, it may deny the request without preparation of an EIS, if it finds that the proposed action is clearly in conflict with the County's Comprehensive Plan, other ordinances or standards.

Section 10: County Environmental Review Committee

- (1) There is hereby established a Walla Walla County Environmental Review Committee, consisting of the following members or their designees:
 - (a) County Engineer
 - (b) County Planning Director
 - (c) Director of Environmental Health
 - (d) Building Official
 - (e) County Extension Agent

Representatives of the following agencies shall serve as ex-officio members of the Walla Walla County Environmental Review Committee:

- (a) Soil Conservation Service
 - (b) State Fish and Game Department
 - (c) Representative of the Fire District
- (2) The Committee shall have duty and power to:
- (a) Determine the adequacy of the environmental checklist for all proposals where the County is lead agency.
 - (b) Advise the Board of the impact of all major actions on the environment.
 - (c) Issue Proposed Declarations of Non-Significance.
 - (d) Insure the adequacy of all draft and final EISs.
 - (f) Direct the preparation of all draft and final EISs.
 - (g) Recommended to the Board changes and amendments to this ordinance from time to time.
- (3) The Committee shall meet on the second and fourth Thursdays of the month. The Director of Planning, or his designee, shall be the recording secretary to the Committee and shall prepare the implementing documents.
- (4) Decisions made by the Environmental Review Committee, while fulfilling their designated duties, are appealable to the Board of County Commissioners.

Section 11: SEPA Public Information Center

- (1) The following location constitutes the County's SEPA Public Information Center:

Walla Walla County/Regional Planning
P.O. Box 905
310 W. Poplar
Walla Walla, Washington 99362
509 529-8260

Section 12: Fees

The following fees shall be required for actions by the County in accordance with the provisions of this ordinance.

- (1) Threshold Determination- For every environmental checklist to be reviewed by the County when the County is the lead agency, a fee of \$25.00 shall be required of the proponent of the proposal. This fee shall be collected prior to undertaking the threshold determination, and the time periods provided by this ordinance for making a threshold determination shall not begin to run until payment of the fee.
- (2) Environmental Impact Statement-
- (a) As the lead agency, the County will charge a fee, based on actual costs, for gathering information and conducting research in the preparation of an Environmental Impact Statement when the EIS is being prepared by a consultant.
 - (b) For all proposals requiring an EIS for which the County is lead agency and for which the responsible official determines that the EIS shall be prepared by employees of the County, the County may charge and collect a reasonable fee from the applicant to cover costs incurred by the County in the preparation of an EIS. If it is determined that an EIS is required, applicants shall be advised of projected costs of the EIS prior to actual preparation and shall post bond or otherwise insure payment of such costs.
 - (c) The responsible official may determine that the County will contract directly with the consultant for preparation of environmental documents for activities initiated by some persons or entity other than the County and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by mutual agreement

of the County and applicant after a call for bids.

- (d) In the event that a proposal is modified so that an EIS is no longer required, the responsible official shall refund any costs collected under (a), (b) and (c) of this subsection, by the County, which were collected for costs not incurred.
- (3) No fee shall be collected by the County for performing its duties as consulting agency.
- (4) The SEPA Public Information Center of the County is hereby authorized to charge periodic fees for the service of mailing registers and register updates. Such fees shall be reasonably related to the costs of reproduction and mailing of registers and updates.
- (5) The County may charge any person for copies of any documents prepared pursuant to the requirements of this ordinance, and for mailing thereof, in a manner provided by Chapter 42.17 RCW.

Section 13: Walla Walla County Ordinance No. 128, dated November 29, 1976, is hereby repealed.

Dated at Walla Walla, Washington, June 2, 1981.

Attest:

Colleen Taylor
Deputy County Auditor and ex-officio
Clerk of the Board

Approved:

Harriet Johnson
Commissioner - Chairman

Franklin F. Blinn
Commissioner

Walter C. Coyle
Commissioner

CONSTITUTING THE BOARD OF COUNTY COMMISSIONERS
OF WALLA WALLA COUNTY, WASHINGTON

FILED FOR RECORD
IN WALLA WALLA CO. WASH.
BY *Co. Auditor*

JUN 2 2 42 PM '81

C. LYNN SMITH
AUDITOR