

## 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 amended the State Environmental Policy Act, Chapter 43.21C RCW, and the Department of Ecology has adopted new SEPA Rules, Chapter 197-11 WAC, which require that local jurisdictions adopt ordinances reflecting those changes and implementing the State Environmental Policy Act, and

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

WHEREAS, the Walla Walla County Planning Commission has recommended approval of the Ordinance, and

WHEREAS, Walla Walla County intends to utilize the State Environmental Policy Act in a manner that will balance environmental considerations with the need for growth and development, 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 Ordinance implementing the State Environmental Policy Act is hereby adopted.

Done this 2nd day of October, 1984

Attest:

Erlene Fink

Clerk of the Board.

Harmon Johnson  
Chairman  
Walter C. Coyle  
Commissioner  
Bruce Peterson  
Commissioner

Constituting the Board of County Commissioners  
of Walla Walla County, Washington.

ORDINANCE NO. 179  
WLLA WALLA COUNTY ORDINANCE IMPLEMENTING  
THE STATE ENVIRONMENTAL POLICY ACT

PART I AUTHORITY

Section 1: Authority

The County of Walla Walla adopts this ordinance under the State Environmental Policy Act (SEPA) , RCW 43.21C.120, and the SEPA Rules, WAC 197-11-904. This ordinance contains the County's SEPA procedures and policies. The SEPA Rules, chapter 197-11-WAC and the model ordinance chapter 173-806 WAC must be used in conjunction with this ordinance.

PART II GENERAL REQUIREMENTS

Section 1: Adoption by Reference

Walla Walla County adopts by reference the following sections or subsections of chapter 173-806 WAC:

- WAC 173-806-020 Adoption by Reference
- WAC 173-806-030 Additional Definitions
- WAC 173-806-050(3)

Section 2: Designation of Responsible Official

- 1) For all proposals for which the County is the lead agency the responsible official shall be the Board of County Commissioners.
- 2) For all proposals for which the County is the lead agency, the responsible official, or his designee, shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other function assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.
- 3) The County shall retain all documents required by the SEPA rules (chapter 197-11 WAC) and make them available in accordance with Chapter 42.17 RCW.

Section 3: Environmental Review Committee

- 1) There is hereby established a Walla Walla County Environmental Review Committee, consisting of the following members or their designees:
  - a) Director of Public Works
  - b) Director of County Planning
  - c) Director of Environmental Health
  - d) County Building Inspector
  - 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) Affected Fire District
- 2) The Committee shall have the duty and power to:
    - a) Determine the adequacy of the environmental checklist for all proposals where the County is the lead agency.
    - b) Issue a Determination of Non-Significance (DNS) for proposals listed in chapter 197-11-340(2) WAC.
    - c) Direct the areas of research and examination to be undertaken as a result of the scoping process as well as the organization of the resulting document.
    - d) Direct the preparation of all drafts, final and supplemental Environmental Impact Statement's (EIS).
    - e) Insure the adequacy of all drafts, final and supplemental EIS's.
    - f) Advise the responsible official of the impact of all major actions on the environment.
    - g) Recommend to the responsible official changes and amendments to this ordinance from time to time.
  - 3) The Committee shall meet on the 2nd and 4th Thursday of the month. The Director of Planning, or his designee, shall be the recording secretary to the Committee and shall prepare implementing documents.

#### Section 4: Lead Agency Determination and Responsibilities

- 1) The department within the County receiving an application for or initiating a proposal that involves a nonexempt action shall forward the environmental documents to the Planning Department for determination of the lead agency for that proposal under WAC 197-11-050 and 197-11-922 thru 197-11-940; unless the lead agency has been previously determined or the department is aware that another agency is in the process of determining the lead agency.
- 2) If the County or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 thru 197-11-940, it may object to the determination. Any objection must be made by the Planning Department to the agency originally making the determination, or the County must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 15 day time period. Any such petition on behalf of the County may be initiated by the Planning Department with approval of the responsible official.
- 3) The Planning Department is authorized to make agreements as to the lead agency status of shared lead agency duties for a proposal under WAC 197-11-942 and 944 PROVIDED that the responsible official and any department that will incur responsibilities as a result of such an agreement approve the agreement.

- 4) When making a lead agency determination for a private project, the Planning Department shall require sufficient information for the applicant to identify which other agencies have jurisdiction over the proposal.

Section 5: Additional Considerations in Time Limits Applicable to the SEPA Process.

The following time limits (expressed in calendar days) shall apply:

- 1) Categorical exemptions. The County shall identify whether an action is categorically exempt within seven (7) days of receiving a completed application.
- 2) Threshold determinations
  - a) The County should complete threshold determinations that can be based solely upon review of an adequate environmental checklist for the proposal within fifteen (15) days of the date an adequate application and completed checklist are submitted.
  - b) The County shall wait no longer than fifteen (15) days for a consulted agency to respond to a request for further information.

Section 6: Additional Timing Considerations

- 1) For non-exempt proposals, the declaration of non-significance or in the case where an EIS has been required, a final Environmental Impact Statement for the proposal shall accompany the County's staff report to the County Planning Commission and the Board of County Commissioners.
- 2) If the County's only action on a proposal is a decision on a building permit or other license which required detailed plans and specifications, the applicant may request in writing that the County conduct an environmental review prior to the submission of the detailed plans and specifications.
- 3) When the County receives a request per (2) above, the County shall specify, in writing, the degree of detail required to make a threshold determination for that particular proposal under WAC 173-806-058(2).



## PART III CATEGORICAL EXEMPTIONS

### Section 1: Adoption by Reference

Walla Walla County adopts by reference the following sections or subsections of Chapter 173-806 WAC:

WAC 173-806-065 Adoption by Reference

WAC 173-806-070(2) Flexible Thresholds for Categorical Exemptions

WAC 173-806-080(2)(3) Use of Exemptions

WAC 173-806-100(4)(5)(b)(c)(d)(6)(7)(9) Mitigated Declaration of Non-significance

### Section 2: Flexible Thresholds for Categorical Exemptions

- 1) Walla Walla County establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based on local conditions:
  - a) For agricultural structures in WAC 197-11-800(1)(b)(ii): up to 30,000 square feet
  - b) For parking lots in WAC 197-11-800(1)(b)(iv): up to 40 spaces
  - c) For landfills and excavations in WAC 197-11-800(1)(b)(v): Up to 500 cubic yards

### Section 3: Use of Exemptions

- 1) Each department within the County that receives an application, or in the case of governmental proposals, the department initiating the proposal, shall forward the application to the Planning Department for determination of whether the proposal is exempt. The determination that a proposal is exempt is final and not subject to administrative review.

### Section 4: Environmental Checklist

- 1) A completed environmental checklist shall be filed at the same time as an application for a permit, license, or other approval not exempted in this ordinance; except, a checklist is not needed if the County and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The checklist shall be in the form of WAC 197-11-960 with the following additions:
  - B(1)(i) Have any improvements been made in order to improve the soil resource base (for example tile drains, irrigation or other mitigating measures)?

B(1)(j) Are there any limitations on the soils (for example alkalinity, salinity or other soil toxicity problems)?

B(3)(a)(7) What is the distance between the site or proposed action and the surface water described in (1) above?

B(14)(a) Also describe and show on site plans any accesses adjacent to and/or opposite the site.

- 2) For private proposals, the County will require the applicant to complete the environmental checklist, providing assistance as necessary. For County proposals, the department initiating the proposal shall complete the environmental checklist.
- 3) The County may complete or revise all or part of the environmental checklist for a private proposal, if either of the following occurs:
  - a) The County has technical information on a question or questions that is unavailable to the applicant; or
  - b) The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

#### Section 5: Mitigated Determination of Non-Significance

- 1) As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.
- 2) An applicant may request in writing early notice of whether a determination of significance is likely under WAC 197-11 350.  
The request must:
  - a) Follow submission of an application and adequate environmental checklist; and
  - b) Precede the County's actual threshold determination for the proposal.
- 3) The Environmental Review Committee should respond to the request for early notice within fifteen (15) working days.  
The response shall:
  - a) Be written
  - b) State whether the County currently considers issuance of a DS likely and, if so, indicate the general or specific areas of concern that is/are leading to the County to consider a DS; and

- c) State that the applicant may change or clarify the proposal to mitigate the indicated impacts revising the environmental checklist and/or application as necessary to reflect the changes or clarifications.
- d) The County shall not continue with the threshold determination until receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal. The applicant shall respond within fifteen (15) days of the County's response.

#### PART IV ENVIRONMENTAL IMPACT STATEMENT (EIS)

##### Section 1: Adoption by Reference

Walla Walla County adopts by reference the following section or subsections of Chapter 173-806 WAC:

- WAC 173-806-110 Adoption by Reference
- WAC 173-806-125 Additional Elements to be covered in an EIS

##### Section 2: Preparation of EIS - Additional Considerations

- 1) The County may elect to prepare the DEIS, FEIS and SEIS, or may retain a consultant with approval of the applicant 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. The County shall also notify the applicant of the County's procedures for an EIS preparation, including approval of the DEIS, FEIS and SEIS prior to distribution.
- 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 Environmental Review Committee shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The Environmental Review Committee shall direct the areas of research and examination to be undertaken as well as the organization of the resulting document.

#### PART V COMMENTING

##### Section 1: Adoption by Reference

Walla Walla County adopts the following sections or subsections of Chapter 173-806 WAC:

- WAC 173-806-128 Adoption by Reference
- WAC 173-806-140(2) Designation of Official to Perform Consulted Agency Responsibilities for the County

##### Section 2: Public Notice

- 1) Whenever Walla Walla County issues a DNS under WAC

197-11-340(2) or a DS under WAC 197-11-360(3) the County shall give public notice as follows:

- a) If public notice is required for a non-exempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.
  - b) If no public notice is required for the permit or approval, the County shall give notice of the DNS or DS by:
    - i) Posting the property for site-specific proposals and
    - ii) Publishing notice in a newspaper of general circulation in the County or general area where the proposal is located.
  - c) Whenever the County issues a DS under WAC 197-11-360(3), the County shall state the scoping procedures for the proposal in the DS as required in WAC 197-11-408 and in the public notice.
2. Whenever the County issues a DEIS under WAC 197-11-455(5) or an SEIS under WAC 197-11-620, notice of availability of those documents shall be given by:
    - a) Indicating the availability of the DEIS in any public notice required for a proposal; and
    - b) Posting the property for site-specific proposals;
    - c) Publishing notice in a newspaper of general circulation in the County or area where the proposal is located.
  3. Whenever possible, the County shall integrate the public notice required under this section with existing notice procedures for the County's non-exempt permit(s) or approval(s) required for the proposal.
  4. The applicant shall complete the public notice requirements for the applicant's proposal at his/her expense.

Section 3: Designation of Official to Perform Consulted Agency Responsibilities for the County

- 1) The Planning 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 scoping and reviewing a DEIS.

PART VI USING EXISTING ENVIRONMENTAL DOCUMENTS

Section 1: Adoption by Reference

Walla Walla County adopts Chapter 173-806-150 WAC by reference.

## PART VII SEPA AND AGENCY DECISIONS

### Section 1: Adoption by Reference

Walla Walla County adopts by reference the following sections or subsections of Chapter 173-806 WAC:

- WAC 173-806-155 Adoption by Reference
- WAC 173-806-160(3)(4)(a)(b)(5) Substantive Authority
- WAC 173-806-173 Notice/Statute of Limitations

### Section 2: Substantive Authority.

1. The policies and goals set forth in this ordinance are supplementary to those in the existing authorization of Walla Walla County.
2. The County may attach conditions to a permit or approval for a proposal so long as:
  - a) Such conditions are necessary to mitigate specific probable significant adverse environmental impacts identified in environmental documents prepared pursuant to this ordinance; and
  - b) Such conditions are in writing; and
  - c) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
  - d) The County has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
  - e) Such conditions may include, but are not limited to the following:
    - i. Exact location and nature of development, including additional building and parking area setbacks, screenings in the form of landscaped berms, landscaping, or fencing;
    - ii. Impact of the development upon other land;
    - iii. Hours of use or operation or type and intensity of activities;
    - iv. Sequence and scheduling of development;
    - v. Maintenance of the development;
    - vi. Duration of use and subsequent removal of structures; and
    - vii. Granting of easements for utilities or other purposes and dedication of land or other provision for public facilities, the need for which the agency finds would be generated in whole or in significant part by the proposed development.



- f) Such conditions are based on one or more policies in WAC 173-806-160(4)(a)(b) or subsection 3 of this section and cited in the license or other decision document.
3. The County adopts by reference the policies in the following adopted County documents:
- a) Walla Walla County Comprehensive Zoning Resolution #70
  - b) Walla Walla Urban Area Comprehensive Plan
  - c) Western Walla Walla County Comprehensive Plan
  - d) Walla Walla County Shoreline Master Program
  - e) Walla Walla/College Place Coordinated Water System Plan Regional Supplement and Water General Plan
  - f) Western Walla Walla County Coordinated Water System Plan and General Sewer Plan
  - g) Walla Walla County Solid Waste Management Plan
  - h) Walla Walla County Ordinance #175 (on-site sewage disposal)
  - i) Walla Walla County Ordinance #173 (Building, Mechanical, Plumbing and Fire Codes)
  - j) Walla Walla County Ordinance #172 (Mobile home placement)
  - k) Walla Walla County Subdivision Control Ordinance #80
  - l) Walla Walla County Short Plat Subdivision Ordinance #83

#### PART VIII DEFINITIONS

##### Section 1: Adoption by Reference.

Walla Walla County adopts chapter 173-806-175 WAC by reference.

#### PART IX CATEGORICAL EXEMPTIONS

##### Section 1: Adoption by Reference.

Walla Walla County adopts Chapter 173-806-180 WAC by reference.

#### Part X AGENCY COMPLIANCE

##### Section 1: Adoption by Reference

Walla Walla County adopts the following sections or subsections of Chapter 173-806 WAC by reference:

- WAC 173-806-185 Adoption by Reference
- WAC 173-806-190(2)(3) Environmentally Sensitive Areas
- WAC 173-806-200(4)(5) Fees
- WAC 173-806-220 Severability

## Section 2: Environmentally Sensitive Areas

1. Environmentally sensitive areas shall be:
  - a) The shoreline of the County as designated by the Walla Walla County Shoreline Master Program. All activities that require a Shoreline Management Substantial Development Permit shall require a threshold determination.
  - b) Areas designated as such in the appropriate Comprehensive Plan.
2. For environmentally sensitive areas, the exemptions within WAC 197-11-800 that are inapplicable are: WAC 197-11-800(1), WAC 197-11-800(6)(a), WAC 197-11-800(14)(c), WAC 197-11-800(24)(a)(b)(c)(d)(f), WAC 197-11-800(25)(h)(i).

## Section 3: Fees

The County shall require the following fees for its activities in accordance with the provision of this ordinance:

1. Threshold Determination - For every environmental checklist to be reviewed by the County, when the County is Lead Agency, a fee established by Ordinance No. 162 (Land Development Application Fees) of the Board of County Commissioners 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 established by Ordinance No. 162 (Land Development Application Fees) of the Board of County Commissioners to recover some portion of the lead agency's time and expenses for reviewing the adequacy and assisting in the preparation of an Environmental Impact Statement.
  - 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 contact 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. The applicant shall post bond or otherwise insure payment of such costs. Such consultants shall be selected by mutual agreement of the County and applicant after a call for bids.

- d) If the proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under a, b, or c of this subsection which remain after incurred costs are paid.
3. Public Notice. The County shall be reimbursed by the applicant for fees incurred in meeting the public notice requirements of this ordinance relating to the applicant's proposal.

## PART XI FORMS

### Section 1: Adoption by Reference

Walla Walla County adopts Chapter 173-806-230 WAC by reference.

## PART XII REPEALER

Walla Walla County Ordinance #161, dated June 2, 1981, is hereby repealed.

FILED FOR RECORD  
IN WALLA WALLA CO. WASH.

BY

*C. Commissioners*

OCT 5 2 19 PM '84

C. LYNN SMITH  
AUDITOR

Recorded

ORDINANCE NO. 179

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- 3) The Committee shall meet on the 2nd and 4th Thursday of the month. The Director of Planning, or his designee, shall be the recording secretary to the Committee and shall prepare implementing documents.

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## PART III CATEGORICAL EXEMPTIONS

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- c) State that the applicant may change or clarify the proposal to mitigate the indicated impacts revising the environmental checklist and/or application as necessary to reflect the changes or clarifications.
- d) The County shall not continue with the threshold determination until receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal. The applicant shall respond within fifteen (15) days of the County's response.

#### PART IV ENVIRONMENTAL IMPACT STATEMENT (EIS)

##### Section 1: Adoption by Reference

Walla Walla County adopts by reference the following section or subsections of Chapter 173-806 WAC:

- WAC 173-806-110 Adoption by Reference
- WAC 173-806-125 Additional Elements to be covered in an EIS

##### Section 2: Preparation of EIS - Additional Considerations

- 1) The County may elect to prepare the DEIS, FEIS and SEIS, or may retain a consultant with approval of the applicant 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. The County shall also notify the applicant of the County's procedures for an EIS preparation, including approval of the DEIS, FEIS and SEIS prior to distribution.
- 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 Environmental Review Committee shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The Environmental Review Committee shall direct the areas of research and examination to be undertaken as well as the organization of the resulting document.

#### PART V COMMENTING

##### Section 1: Adoption by Reference

Walla Walla County adopts the following sections or subsections of Chapter 173-806 WAC:

- WAC 173-806-128 Adoption by Reference
- WAC 173-806-140(2) Designation of Official to Perform Consulted Agency Responsibilities for the County

##### Section 2: Public Notice

- 1) Whenever Walla Walla County issues a DNS under WAC



197-11-340(2) or a DS under WAC 197-11-360(3) the County shall give public notice as follows:

- a) If public notice is required for a non-exempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.
  - b) If no public notice is required for the permit or approval, the County shall give notice of the DNS or DS by:
    - i) Posting the property for site-specific proposals and
    - ii) Publishing notice in a newspaper of general circulation in the County or general area where the proposal is located.
  - c) Whenever the County issues a DS under WAC 197-11-360(3), the County shall state the scoping procedures for the proposal in the DS as required in WAC 197-11-408 and in the public notice.
2. Whenever the County issues a DEIS under WAC 197-11-455(5) or an SEIS under WAC 197-11-620, notice of availability of those documents shall be given by:
    - a) Indicating the availability of the DEIS in any public notice required for a proposal; and
    - b) Posting the property for site-specific proposals;
    - c) Publishing notice in a newspaper of general circulation in the County or area where the proposal is located.
  3. Whenever possible, the County shall integrate the public notice required under this section with existing notice procedures for the County's non-exempt permit(s) or approval(s) required for the proposal.
  4. The applicant shall complete the public notice requirements for the applicant's proposal at his/her expense.

Section 3: Designation of Official to Perform Consulted Agency Responsibilities for the County

- 1) The Planning 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 scoping and reviewing a DEIS.

PART VI USING EXISTING ENVIRONMENTAL DOCUMENTS

Section 1: Adoption by Reference

Walla Walla County adopts Chapter 173-806-150 WAC by reference.

## PART VII SEPA AND AGENCY DECISIONS

### Section 1: Adoption by Reference

Walla Walla County adopts by reference the following sections or subsections of Chapter 173-806 WAC:

- WAC 173-806-155 Adoption by Reference
- WAC 173-806-160(3)(4)(a)(b)(5) Substantive Authority
- WAC 173-806-173 Notice/Statute of Limitations

### Section 2: Substantive Authority.

1. The policies and goals set forth in this ordinance are supplementary to those in the existing authorization of Walla Walla County.
2. The County may attach conditions to a permit or approval for a proposal so long as:
  - a) Such conditions are necessary to mitigate specific probable significant adverse environmental impacts identified in environmental documents prepared pursuant to this ordinance; and
  - b) Such conditions are in writing; and
  - c) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
  - d) The County has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
  - e) Such conditions may include, but are not limited to the following:
    - i. Exact location and nature of development, including additional building and parking area setbacks, screenings in the form of landscaped berms, landscaping, or fencing;
    - ii. Impact of the development upon other land;
    - iii. Hours of use or operation or type and intensity of activities;
    - iv. Sequence and scheduling of development;
    - v. Maintenance of the development;
    - vi. Duration of use and subsequent removal of structures; and
    - vii. Granting of easements for utilities or other purposes and dedication of land or other provision for public facilities, the need for which the agency finds would be generated in whole or in significant part by the proposed development.

- f) Such conditions are based on one or more policies in WAC 173-806-160(4)(a)(b) or subsection 3 of this section and cited in the license or other decision document.
3. The County adopts by reference the policies in the following adopted County documents:
- a) Walla Walla County Comprehensive Zoning Resolution #70
  - b) Walla Walla Urban Area Comprehensive Plan
  - c) Western Walla Walla County Comprehensive Plan
  - d) Walla Walla County Shoreline Master Program
  - e) Walla Walla/College Place Coordinated Water System Plan Regional Supplement and Water General Plan
  - f) Western Walla Walla County Coordinated Water System Plan and General Sewer Plan
  - g) Walla Walla County Solid Waste Management Plan
  - h) Walla Walla County Ordinance #175 (on-site sewage disposal)
  - i) Walla Walla County Ordinance #173 (Building, Mechanical, Plumbing and Fire Codes)
  - j) Walla Walla County Ordinance #172 (Mobile home placement)
  - k) Walla Walla County Subdivision Control Ordinance #80
  - l) Walla Walla County Short Plat Subdivision Ordinance #83

#### PART VIII DEFINITIONS

##### Section 1: Adoption by Reference.

Walla Walla County adopts chapter 173-806-175 WAC by reference.

#### PART IX CATEGORICAL EXEMPTIONS

##### Section 1: Adoption by Reference.

Walla Walla County adopts Chapter 173-806-180 WAC by reference.

#### Part X AGENCY COMPLIANCE

##### Section 1: Adoption by Reference

Walla Walla County adopts the following sections or subsections of Chapter 173-806 WAC by reference:

- WAC 173-806-185 Adoption by Reference
- WAC 173-806-190(2)(3) Environmentally Sensitive Areas
- WAC 173-806-200(4)(5) Fees
- WAC 173-806-220 Severability

## Section 2: Environmentally Sensitive Areas

1. Environmentally sensitive areas shall be:
  - a) The shoreline of the County as designated by the Walla Walla County Shoreline Master Program. All activities that require a Shoreline Management Substantial Development Permit shall require a threshold determination.
  - b) Areas designated as such in the appropriate Comprehensive Plan.
2. For environmentally sensitive areas, the exemptions within WAC 197-11-800 that are inapplicable are: WAC 197-11-800(1), WAC 197-11-800(6)(a), WAC 197-11-800(14)(c), WAC 197-11-800(24)(a)(b)(c)(d)(f), WAC 197-11-800(25)(h)(i).

## Section 3: Fees

The County shall require the following fees for its activities in accordance with the provision of this ordinance:

1. Threshold Determination - For every environmental checklist to be reviewed by the County, when the County is Lead Agency, a fee established by Ordinance No. 162 (Land Development Application Fees) of the Board of County Commissioners 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 established by Ordinance No. 162 (Land Development Application Fees) of the Board of County Commissioners to recover some portion of the lead agency's time and expenses for reviewing the adequacy and assisting in the preparation of an Environmental Impact Statement.
  - 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 contact 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. The applicant shall post bond or otherwise insure payment of such costs. Such consultants shall be selected by mutual agreement of the County and applicant after a call for bids.

- d) If the proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under a,b, or c of this subsection which remain after incurred costs are paid.
3. Public Notice. The County shall be reimbursed by the applicant for fees incurred in meeting the public notice requirements of this ordinance relating to the applicant's proposal.

#### PART XI FORMS

##### Section 1: Adoption by Reference

Walla Walla County adopts Chapter 173-806-230 WAC by reference.

#### PART XII REPEALER

Walla Walla County Ordinance #161, dated June 2, 1981, is hereby repealed.